

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

THOMAS FUTCH,

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of Social  
Security,

Defendant.

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**JUDGMENT IN A CIVIL CASE**

**CASE NO. 5:19-CV-286-D**

**Decision by Court.**

This action came before this Court for ruling as follows.

**IT IS ORDERED, ADJUDGED, AND DECREED** that the Plaintiff's Motion for Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A) filed is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$5,700.00, and that pursuant to Comm'r of Soc. Sec. v. Ratliff, 560 U.S. --, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiffs counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiffs counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

**This Judgment Filed and Entered on December 8, 2020, and Copies To:**

George C. Piemonte

(via CM/ECF electronic notification)

Cassia W. Parson

(via CM/ECF electronic notification)

Mark J. Goldenberg

(via CM/ECF electronic notification)

DATE:

December 8, 2020

PETER A. MOORE, JR., CLERK

(By) /s/ Nicole Sellers

Deputy Clerk